

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANIEL YELLOW HORSE,

Defendant.

CASE NO. 4:15CR40036

**MEMORANDUM
AND ORDER**

This matter is before the Court on Report and Recommendation on Plea of Guilty (Filing No. 30) of a Magistrate Judge recommending that I accept the Defendant's plea of guilty. The parties have waived their right to file objections to the Report and Recommendation. Pursuant to 28 U.S.C. § 636(b)(1)(C),

IT IS ORDERED:

1. The Report and Recommendation on Plea of Guilty (Filing No. 30) is adopted;
2. The Defendant is found guilty of Count I and Count III of the Superseding Indictment. The plea is accepted. The Court finds that the plea of guilty is knowing, intelligent, voluntary, and a factual basis exists for the plea; and
3. This case will proceed to sentencing.

DATED this 17th day of September, 2015.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge